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are presently in this case. The claims were amended for clarification and not in order to narrow the scope of the amended claims. No new matter is added by these amendments.

Support for the amendments and the new claims can be found in the specification, drawings, and claims as filed. If the Examiner has any questions regarding support for amendments, he is invited to phone the undersigned representative at (512) 495-8446.

RESPONSE

Applicants request reconsideration of pending claims 49-74, 85-89, 91-94, and 96-127 in light of the following remarks.

I. The Rejection Under 35 U.S.C. § 112 Should be Withdrawn

Claims 51, 66, 67, 69-72, 87, 94, and 96-97 stand rejected as being indefinite. While the Applicants do not necessarily agree with the Office Action's bases for rejection, in order to facilitate prosecution, each of the rejected claims (except Claims 96-97) has been amended as suggested. Applicants reserve the right to pursue these claims an/or the subject matter of these claims in other claims either now or at a later date. Therefore, the rejection with respect to Claims 51, 66, 67, 69-72, 87, and 94 is obviated.

The Applicants do not understand the Office Action's statement at paragraph 14 on page 6 that Claims 87, 94-97 "cannot be evaluated at this time as the claim appears to be incorrect." Claim 95 was held to be drawn to a non-elected invention and has now been cancelled without prejudice or surrender. Applicants respectfully request an explanation of this statement if the rejection is not withdrawn as to Claims 87, 94, and 96-97.

II. Allowable Subject Matter

The Office Action stated that Claims 57 and 74 are allowable if rewritten in independent form. These claims have been rewritten in independent form as Claims 126 and 127 and thus are in condition for allowance.

III. The Objection to Claim 89 Should Be Withdrawn

Claim 89 was objected to as being grammatically awkward. The claim has been amended thereby obviating the objection.

IV. All Rejections Under 35 U.S.C §§ 102 and 103 Should Be Withdrawn

Many of the claims were rejected as lacking novelty over Walker (U.S. 2,901,285) or rejected as obvious over Walker in combination with various cited references. As described below, among its other deficiencies, Walker is very different from and teaches away from Applicants' inventions. Therefore, Walker does not anticipate or render obvious Applicants' claims. Further, because Walker teaches away from many aspects of Applicant's inventions, one skilled in the art would not be motivated to combine Walker with the cited references to obtain Applicants' inventions. What's more, even if the skilled artisan were motivated to combine the references as suggested in the Office Action, Applicants' claimed inventions would not result.

A. Walker Discloses A Car With a Storage Compartment Extending the Full Width of the Vehicle Body

Walker is directed to a luggage compartment located in the rear of a car which is larger than conventional trunks. (col. 1, lines 43 and Fig. 1). The compartment extends "substantially the full width of the vehicle body" and has "a substantially continuous unobstructed opening thereinto." (col. 1, lines 43-45).

B. Walker Teaches Away from Each of Applicant's Rejected Independent Claims

Walker teaches away from each of Applicants' rejected independent claims for a multitude of independent reasons. The chart below illustrates a few instances where Walker teaches away from Applicants' inventions embodied in the rejected independent claims. There are, of course, numerous additional deficiencies in Walker and many separately patentable dependent claims. However, in an effort to be brief, Applicants have only addressed a few instances where Walker teaches away from the independent claims.

Number of Independent Claim	Instance in Which Walker Teaches Away
49	Walker does not teach or suggest a storage area adjacent to and separated from the cargo area. Walker teaches away by teaching a single trunk compartment.
61	Walker does not teach or suggest a rear wall, including at least one rear door. Walker teaches away by disclosing a top-opening trunk compartment with additional side access.
85	Walker does not teach or suggest that the width of the storage area is the same or less than the width of the wheel well. Walker teaches away by disclosing a compartment that extends “substantially the full width of the vehicle body....” (col. 1, lines 43-45).
94	Walker does not teach temperature control for the strut is provided by at least one of insulating, heating, or heating and insulating. In fact, Walker does not even recognize that temperature of a strut can be problematic.

C. The Other Cited References Do Not Remedy Walker’s Deficiencies

The Office Action attempts to combine other references with Walker. The cited references are Holan et al. (2,455,417), Gallagher et al. (5,709,309), Mayer (3,004,790), Douglass, Jr. (3,068,038) and Cerf et al. (4,139,232). Since Walker teaches away, one would not be motivated to combine the references as suggested in the Office Action. In order to combine such references, the teaching or suggestion to make the combination must be found in the prior art, and not based on the Applicants' disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed Cir. 1991) No such motivation is found in any of the cited references. Moreover, many of the suggested combinations do not even yield Applicants' claimed inventions.

1. Walker in View of Holan et al.

Claims 58, 60, 66, and 69 were rejected over Walker in view of Holan et al. The Office Action states that it would be obvious to provide in Walker multiple hinged sections as taught by

Holan. However, Walker is directed to a single trunk compartment extending “substantially the full width of the vehicle body” with “a substantially continuous unobstructed opening thereinto.” (Walker, col. 1, lines 43-45). Holan, on the other hand, is directed to a truck having sides of the body constructed with side tool compartments not extending the full width of the body. (Holan, Fig. 1) Thus, upon reading Walker why would a skilled artisan be motivated to look to the conflicting teachings of Holan? There is no motivation in either reference for the suggested combination.

2. Walker in View of Gallagher et al.

Claims 59 and 88 were rejected over Walker in view of Gallagher et al. The Office Action states that it would be obvious to provide in Walker a drain valve as taught by Gallagher et al. to allow unintended liquids to disperse. However, Walker is directed to a single trunk compartment extending “substantially the full width of the vehicle body” with “a substantially continuous unobstructed opening thereinto.” (Walker, col. 1, lines 43-45). Gallagher et al. is directed to a “drain stop for an orifice in an automotive floor pan.” (Gallagher et al., abstr.).

Therefore, the suggested combination of Walker and Gallagher yields a single trunk compartment extending the full width of the vehicle body with a drain stop in the floor pan. While Applicants' inventions do not necessarily exclude the inclusion of such a combination, it is certainly not Applicants' claimed inventions of Claims 59 and 88. Moreover, since Gallagher et al. suggests a drain stop for an orifice in an automotive floor pan, why would one be motivated to employ it in trunk compartment like Walker?

3. Walker in View of Mayer et al.

Claim 62 was rejected over Walker in view of Mayer et al. The Office Action states that it would be obvious to provide in Walker a rear door as taught by Mayer to selectively open the

cargo area. However, Walker is directed to a single trunk compartment extending “substantially the full width of the vehicle body” with “a substantially continuous unobstructed opening thereinto” (Walker, col. 1, lines 43-45) and side openings thereinto. Mayer et al. is directed to a car trunk compartment extending the full width of the vehicle wherein the trunk opens both at the top and at the rear. (Mayer et al., Fig. 2).

Therefore, the suggested combination of Walker and Mayer et al. yields a single trunk compartment extending the full width of the vehicle body which opens at the top, at the rear, and the sides. While Applicants' inventions do not necessarily exclude the inclusion of such a combination, it is certainly not Applicants' claimed invention of Claim 62.

4. Walker in View of Douglass, Jr.

Claims 51 and 71 were rejected over Walker in view of Douglass, Jr. The Office Action states that it would be obvious to provide in Walker the extended length hinged section 43 of Douglass, Jr. in order to store extended length items. However, Walker is directed to a single trunk compartment extending “substantially the full width of the vehicle body” with “a substantially continuous unobstructed opening thereinto” (Walker, col. 1, lines 43-45) and side openings thereinto.

Therefore, if the hinged section 43 of Douglass Jr. were added to Walker, the result would be a single trunk compartment extending “substantially the full width of the vehicle body” with “a substantially continuous unobstructed opening thereinto” (Walker, col. 1, lines 43-45) with an extended side opening thereinto. While Applicants' inventions do not necessarily exclude such a combination, it is certainly not Applicants' claimed inventions of Claims 51 and 71.

What's more, one of skill would not be motivated to attempt such a combination because the doors and passenger compartment of Walker would prevent implementation of an extended hinge without destroying an object of Walker which is to have a single trunk compartment across the width of the car. That is, the combination would likely result in an extended side opening which opens both into the trunk and into the passenger area of the car. Neither reference suggests such a combination.

5. Walker in View of Cerf et al.

Claim 91 was rejected over Walker in view of Cerf et al. The Office Action states that it would be obvious to provide Walker with a rear passenger compartment as taught by Cerf in order to carry additional passengers. However, Walker is directed to a single trunk compartment that is larger than prior trunks and extends "substantially the full width of the vehicle body" and has side access (Walker, col. 1, lines 43-45).

Modifying Walker to add a rear passenger compartment like Cerf's would destroy Walker's objective of providing a larger trunk compartment. And it is not even clear whether it would be possible with the side access of Walker. As the MPEP states, a proposed modification cannot render the prior art unsatisfactory for its intended purpose. (M.P.E.P. § 2143.01). Therefore, one skilled in the art would not be motivated to combine Walker with Cerf since it would likely result in a loss of trunk space and may not even work.

V. Conclusion

In light of the foregoing amendments and remarks, Applicants respectfully submit that all claims are in condition for allowance, and solicit an early indication to that effect. Should Examiner Pedder have any questions regarding this response, he is invited to contact the undersigned representative at (512) 495-8446.

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Respectfully submitted,



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A marked up version of the claims as amended:

49. (Amended) A storage system for a vehicle having a cargo area, wherein the cargo area is defined by a floor panel, a roof, and two opposing side walls which each connect the roof to the floor,~~and a pair of side panels disposed on either side of the cargo area,~~

the storage system comprising
at least one storage area adjacent to and separated from the cargo area, the storage area being defined by at least a portion of an outwardly bowed exterior side panel, an inner panel, a top and bottom which connect the inner panel to the exterior side panel,~~located intermediate the side panels and extending into the cargo area of the vehicle, and comprising,~~

~~at least one opening effective to expose the interior of the storage area;~~
wherein at least one section of at least one of the outwardly bowed exterior side panels is being
hinged,~~the hinged section effective to provide access to the storage area therein.~~

50. (Amended) The storage system of Claim 49, wherein ~~the vehicle includes at least one pair of wheel wells, and wherein the~~ at least one storage area extends over at least one rear wheel well ~~least one of the pair of wheel wells.~~

51. (Amended) The storage system of Claim 49, wherein ~~the vehicle includes at least one pair of wheel wells, and wherein the~~ at least one storage area extends forward and rearward from at least one wheel well~~the pair of wheel wells.~~

52. (Amended) The storage system of Claim 49, wherein ~~the vehicle includes a floor and the~~ at least one storage area is constructed to extend along a substantial portion of the side panel ~~at least a section of a floor of the vehicle.~~

58. (Amended) The storage system of Claim 49, wherein at least one of the side panels includes more than one hinged section that is capable of being opened ~~openable-effective~~ to expose the storage area.

61. (Amended) A vehicle having a forward compartment for carrying a driver and an enclosure for passengers, merchandise or equipment wherein the enclosure is disposed to the rear of the driver compartment, and further wherein the enclosure is bounded by exterior, contoured side panels and a rear wall, including at least one rear door;

the vehicle comprising at least one storage area adjacent at least one exterior, contoured side panel and extending into the enclosure of the vehicle, and wherein ~~the at least one side panel adjacent the storage area~~ includes a hinged section effective to provide an opening from the exterior of the vehicle into the storage area. ~~and a mechanism for securing the at least one hinged section in the closed position.~~

63. (Amended) The vehicle of Claim 61, wherein the ~~driver~~ forward compartment includes side panels defining its width ~~of the driver compartment~~ and wherein the side panels of the enclosure are ~~flush~~ substantially aligned with the side panels of the ~~driver~~ forward compartment at the junction of the ~~driver~~ forward compartment and the enclosure.

64. (Amended) The vehicle of Claim 63, wherein the a storage system is mounted in the side panel of the enclosure on the driver's side of the vehicle.

65. (Amended) The vehicle of Claim 63, wherein there is a storage system ~~are~~ mounted in the side panels of the enclosure on both sides of the vehicle.

66. (Amended) The vehicle of Claim 61, additionally including at least two ~~one or more of~~ hinged sections on at least one side of the enclosure, the hinged sections enabling access to at least a portion of the interior of the storage area.

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67. (Amended) The vehicle of Claim 61, wherein ~~the enclosure is provided with at least one wheel well on each side thereof, and wherein~~ a storage area is located one of forward or rearward of the wheel well.

68. (Amended) The vehicle of Claim 61, wherein ~~the enclosure is provided with at least one wheel well on each side thereof, and wherein~~ a storage area is located over the wheel well.

69. (Amended) The vehicle of Claim ~~67~~ 68, wherein a the hinged section is located entirely above the wheel well.

70. (Amended) The vehicle of Claim ~~67~~ 68, wherein a the hinged section is located over the wheel well.

71. (Amended) The vehicle of Claim ~~67~~ 68, wherein a the hinged section is located forward and rearward of the wheel well.

72. (Amended) The vehicle of Claim 66, wherein at least one ~~or more~~ of the hinged sections is hinged horizontally.

85. (Amended) A vehicle comprising a driver's compartment and a rear compartment, the rear compartment including a storage system, the rear compartment comprising:

a floor area bounded on either side by side panels with exterior surfaces defining the width of the rear compartment,

~~and~~ at least one hinged section in the exterior surface of at least one of the side panels,

at least one storage area located intermediate the side panels, adjacent the at least one hinged section, and extending into a cargo area of the vehicle, wherein the hinged section is

configured to provide access to the storage area when the hinged section is in the open position
and wherein the width of the storage area is the same or less than the width of the wheel well; ✓

a latch for retaining the at least one hinged contoured side panel section in the closed position; and

a strut for retaining the hinged section in the open position.

86. (Amended) The vehicle of Claim 85, wherein the at least one hinged section is hinged horizontally or vertically ~~to open outwardly~~.

87. (Amended) The vehicle of Claim 85, wherein ~~the strut provides a temperature control~~ for the strut is provided to the storage area by at least one of insulating, heating, or heating and insulating the storage area.

89. (Amended) The vehicle of Claim 85, wherein the vehicle includes at least one ~~the~~ hinged section in each of the ~~contoured~~ outwardly bowed side panels and at least one ~~the~~ storage area located adjacent the hinged sections.

93. (Amended) The storage system of Claim 49, wherein the exterior surfaces of the side panels are ~~flush~~ substantially aligned with the exterior surfaces of the driver's compartment.

94. (Amended) A vehicle comprising a driver's compartment and a rear compartment, the rear compartment including a storage system, the rear compartment comprising:

a floor area with opposing edges, a roof with opposing edges, and bounded on either side by side panels extending from the opposing edges of the floor panel to the opposing edges of the roof, and being outwardly bowed, ~~with exterior surfaces~~ defining the width of the rear compartment and at least one hinged section in the exterior surface of at least one of the side panels,

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at least one storage area located intermediate the side panels, adjacent the at least one hinged section, and extending into a cargo area of the vehicle, wherein the hinged section is configured to provide access to the storage area when the hinged section is in the open position;

~~a latch for retaining the at least one hinged contoured side panel section in the closed position; and~~

a strut for retaining the hinged section in the open position, wherein ~~the strut provides a~~ temperature control for the strut is provided to the storage area by at least one of insulating, heating, or heating and insulating ~~the storage area.~~

98. The storage system of Claim 49 wherein one section of at least one of the outwardly bowed side panels is hinged to open outwardly to the exterior of the vehicle.

99. The storage system of Claim 49 wherein more than one section of at least one of the outwardly bowed side panels is hinged to open outwardly to the exterior of the vehicle.

100. The storage system of Claim 49 wherein the vehicle having a cargo area is a sports utility vehicle.

101. The storage system of Claim 49 wherein the vehicle having a cargo area is a van.

102. The storage system of Claim 49 wherein the vehicle having a cargo area is a utility vehicle.

103. The storage system of Claim 49 wherein the hinged portion of the exterior side panel is located on an inner area of the side panel.

104. The storage system of Claim 50 wherein the width of the storage area is less than the width of the wheel well.

105. The storage system of Claim 50 wherein the width of the storage area is approximately the same as the width of the wheel well.

106. The storage system of Claim 49 wherein a portion of the side wall of the cargo area is the opposing side of the inner panel of the storage area.

107. The storage system of Claim 50 wherein the width of the storage area is less than the width of the wheel well.

108. The storage system of Claim 49 wherein the storage system is fabricated on an assembly line.

109. The vehicle of Claim 61 wherein the storage area is inaccessible from the enclosure.

110. The vehicle of Claim 61 wherein the vehicle is a sports utility vehicle.

111. The vehicle of Claim 61 wherein the vehicle is a van.

112. The vehicle of Claim 61 wherein the vehicle is a utility vehicle.

113. The vehicle of Claim 61 wherein the vehicle is fabricated on an assembly line.

114. An improved vehicle selected from the group consisting of a sport utility vehicle, a van, and a utility vehicle having outwardly bowed side panels, the improvement comprising:

a storage area accessible only from the exterior of the vehicle, said storage area being located adjacent a rear wheel well and extending along at least a portion of the vehicle's outwardly bowed side panel.

115. The vehicle of Claim 114 wherein the vehicle is a sports utility vehicle.

116. The vehicle of Claim 114 wherein the vehicle is a van.

117. The vehicle of Claim 114 wherein the vehicle is a utility vehicle.

118. The vehicle of Claim 114 wherein the storage area extending along at least a portion of the vehicle's side panel is accessible via a hinged section in the side panel.

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119. The vehicle of Claim 114 wherein the storage area is substantially centered relative to the width of the rear wheel associated with the wheel well adjacent to the storage area.

120. The vehicle of Claim 118 wherein the storage area further comprises a lock mechanism which is not visible from an external view of the vehicle.

121. The vehicle of Claim 120 wherein the lock mechanism is cable actuated.

122. The vehicle of Claim 121 wherein the lock mechanism is electrically activated.

123. The vehicle of Claim 118 wherein the storage area further comprises a key actuated lock mechanism.

124. The vehicle of Claim 118 wherein the storage area further comprises at least one shelf.

125. In a vehicle having a cargo area bounded by a bottom panel, a top panel, and two opposing outwardly bowed side panels which connect the bottom panel to the top panel, the improvement which comprises:

at least one storage area inaccessible from within the cargo area, wherein said storage area is located adjacent to a rear wheel well, the storage area being defined by at least a portion of an outwardly bowed exterior side panel, an inner panel, a top, and a bottom which connect the inner panel to the exterior side panel, wherein said storage area is substantially centered relative to the width of the rear wheel associated with the wheel well adjacent to the storage area and wherein the width of the storage area is the same or less than the width of the wheel well.

126. A storage system for a vehicle having a cargo area and a pair of side panels disposed on either side of the cargo area, the storage system comprising at least one storage area located intermediate the side panels and extending into the cargo area of the vehicle, and comprising:

at least one opening effective to expose the interior of the storage area;

at least one section of at least one of the side panels being hinged, the hinged section effective to provide access to the storage area therein,

and wherein said storage system comprises at least one strut assembly operatively connected to retain the at least one hinged section of the side panel in an opened position and wherein the at least one strut assembly provides a temperature control during use, the control being insulation, heating, or heating and insulation.

127. A vehicle having a forward compartment for carrying a driver and an enclosure for passengers, merchandise or equipment wherein the enclosure is disposed to the rear of the driver compartment, and further wherein the enclosure is bounded by side panels and a rear wall, including at least one rear door, the vehicle comprising at least one storage area adjacent at least one side panel and extending into the enclosure of the vehicle, and wherein at least one side panel includes a hinged section effective to provide an opening from the exterior of the vehicle into the storage area and a mechanism for securing the at least one hinged section in the closed position,

wherein said vehicle includes at least one strut assembly operatively connected to retain the hinged section in an opened position and wherein the at least one strut assembly provides a temperature control during use, the control being insulation, heating, or heating and insulation.